



1-21-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 10/047,198
Filing Date October 26, 2001
Inventorship Gilbert et al.
Assignee Pyrotek, Inc.
Group Art Unit 3745
Examiner Ninh H. Nguyen
Attorney's Docket No. PY2-023
Customer No. 021567
Title Molten Metal Pump Particle Passage System

RENEWED
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
- OFFICE ACTION NOT RECEIVED

To: **Attn. Technology Center 3700**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

From: Mark W. Hendricksen (Tel. 509-624-4276; Fax 509-838-3424)
Wells St. John P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828

In response to the Decision on Petition dated November 16, 2004, the Applicant further petitions as follows:

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received by our offices.
2. I hereby state:
 - a. The Office Action which apparently was indicated to have been mailed on May 7, 2003, was not received by this office.

- b. I have searched of the file jacket and the docket records in my office indicate that this Office Action was not received.
3. Our docketing software prints an entry on a separate page for each response to an office action received, and each office action received in this office first goes to docketing for such an entry. I have searched our office records and the file in question, and there is no such entry. Included herewith is a copy of the "Batch Calendar Entries Verification List" dated July 3, 2003, pertaining to my office's file number PY2-023, corresponding to Application No. 10/047,198. The Verification List includes a docket entry dated August 26, 2003, to check whether first examination has been received. The docket entry was created as a follow-up to the filing of the Application on October 26, 2001. If examination had been received, a handwritten notation would exist on the Verification List indicating the date of receipt and the type of correspondence received as evidence supporting the removal of the docket of the task.
4. Further included herewith is a copy of my office's master docket copy of the "Calendar By Due Date" for August 7, 2003, the date on which the Office Action Response would have been due for the Office Action not received. The undersigned hereby states that a docket entry to respond to the Office Action in Application No. 10/047,198 does not appear on the Calendar for August 7, 2003. The undersigned further notes that all entries for client other than

Pyrotek, Inc. are redacted from the Calendar to maintain confidentiality. Accordingly, no information appears on the August 7, 2003, Calendar regarding the subject application.

5. In consideration of these submissions and the attached documentation, it is respectfully requested that the holding of abandonment be withdrawn herein.
6. Applicant notes that no fees are required to have this renewed petition considered and granted, per the Decision on Petition dated November 16, 2004.
7. Because the non-receipt of the Office Action was not due to error by the Applicant, a refund of the petition fee submitted with the Petition dated February 4, 2004, is respectfully requested. Please refund the submitted fee to Deposit Account 23-0925.

Respectfully submitted,

Dated: 1-19-05

By:



Mark W. Hendricksen, Reg. No. 32,356

Attachments: July 3, 2003, Batch Calendar Entries Verification List copy;
August 7, 2003, Master Docket, Calendar By Due Date copy.

07/03/03

Batch Calendar Entries Verification List
Wells, St John, Roberts, Gregory & I kin, P.S.

Page:

Py2-023

Case: 1625002.0023 Pyrotek, Inc.

USA - Molten Metal Pump...

Starting date: 12/26/2001 Plan Batch Number: 87547 Plan Name: PROS_FIR

Due Date	Employee	Type	Tcode	Description
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08/26/2003	10 MWH	To Do	000	Have we rec'd first examination?
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Calendar By Due Date
08/07/03 09:25a

LETTER DUGGET COPY

8/7/03
PAGE 1 OF 1

CM3 NO.

DESCRIPTION

ACTNDATE

CLNT. REF. #

CLIENT

CTRY - TITLE/MARK

RESP

COMPLETED

FILE NO.

Due Date: 08/07/03

